

AMENDED IN ASSEMBLY MAY 6, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2286**

**Introduced by Assembly Member Horton**

February 20, 2002

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An act to repeal Sections 12012.25, ~~12012.5~~, 12012.75, and 12012.85 of, and to add Chapter 8 (commencing with Section 12720) to Part 2 of Division 3 of Title 2 of, the Government Code, relating to tribal gaming.

LEGISLATIVE COUNSEL'S DIGEST

AB 2286, as amended, Horton. Indian Gaming.

~~Existing law ratifies certain tribal-state compacts executed in 1998 between various tribal governments and the State of California in accordance with the federal Indian Gaming Regulatory Act of 1988. Those compacts have been replaced by compacts ratified in 1999.~~

~~This bill would repeal that obsolete ratification.~~

Existing law creates in the State Treasury the Indian Gaming Revenue Sharing Trust Fund and the Indian Gaming Special Distribution Fund for the receipt and deposit of moneys received by the state from Indian tribes pursuant to the terms of tribal-state gaming compacts. Existing law authorizes moneys in those funds to be used for certain purposes.

The bill would reorganize those provisions that ratify the compacts and that establish those funds.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 12012.25 of the Government Code is repealed.

~~SEC. 2. Section 12012.5 of the Government Code is repealed.~~

~~SEC. 3.~~

SEC. 2. Section 12012.75 of the Government Code is repealed.

~~SEC. 4.~~

SEC. 3. Section 12012.85 of the Government Code is repealed.

~~SEC. 5.~~

SEC. 4. Chapter 8 (commencing with Section 12720) is added to Part 2 of Division 3 of Title 2 of, the Government Code, to read:

#### CHAPTER 8. NATIVE AMERICAN GAMING COMPACTS

12720. (a) The following tribal-state gaming compacts entered into in accordance with the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.) are hereby ratified:

(1) The compact between the State of California and the Alturas Rancheria, executed on September 10, 1999.

(2) The compact between the State of California and the Barona Band of Mission Indians, executed on September 10, 1999.

(3) The compact between the State of California and the Big Sandy Rancheria Band of Mono Indians, executed on September 10, 1999.

(4) The compact between the State of California and the Big Valley Rancheria, executed on September 10, 1999.

(5) The compact between the State of California and the Bishop Paiute Tribe, executed on September 10, 1999.

(6) The compact between the State of California and the Blue Lake Rancheria, executed on September 10, 1999.

(7) The compact between the State of California and the Buena Vista Band of Me-wuk Indians, executed on September 10, 1999.

1 (8) The compact between the State of California and the  
2 Cabazon Band of Mission Indians, executed on September 10,  
3 1999.

4 (9) The compact between the State of California and the Cahto  
5 Tribe of Laytonville, executed on September 10, 1999.

6 (10) The compact between the State of California and the  
7 Cahuilla Band of Mission Indians, executed on September 10,  
8 1999.

9 (11) The compact between the State of California and the  
10 Campo Band of Mission Indians, executed on September 10, 1999.

11 (12) The compact between the State of California and the  
12 Chemehuevi Indian Tribe, executed on September 10, 1999.

13 (13) The compact between the State of California and the  
14 Chicken Ranch Rancheria, executed on September 10, 1999.

15 (14) The compact between the State of California and the Coast  
16 Indian Community of the Resighini Rancheria, executed on  
17 September 10, 1999.

18 (15) The compact between the State of California and the  
19 Colusa Indian Community, executed on September 10, 1999.

20 (16) The compact between the State of California and the Dry  
21 Creek Rancheria Band of Pomo Indians, executed on September  
22 10, 1999.

23 (17) The compact between the State of California and the Elk  
24 Valley Rancheria, executed on September 10, 1999.

25 (18) The compact between the State of California and the  
26 Ewiiapaayp Band of Kumeyaay, executed on September 10,  
27 1999.

28 (19) The compact between the State of California and the  
29 Hoopa Valley Tribe, executed on September 10, 1999.

30 (20) The compact between the State of California and the  
31 Hopland Band of Pomo Indians, executed on September 10, 1999.

32 (21) The compact between the State of California and the  
33 Jackson Band of Mi-Wuk Indians, executed on September 10,  
34 1999.

35 (22) The compact between the State of California and the  
36 Jamul Indian Reservation, executed on September 10, 1999.

37 (23) The compact between the State of California and the La  
38 Jolla Indian Reservation, executed on September 10, 1999.

- 1 (24) The compact between the State of California and the  
2 Manzanita Tribe of Kumeyaay Indians, executed on September  
3 10, 1999.
- 4 (25) The compact between the State of California and the Mesa  
5 Grande Band of Mission Indians, executed on September 10,  
6 1999.
- 7 (26) The compact between the State of California and the  
8 Middletown Rancheria Band of Pomo Indians, executed on  
9 September 10, 1999.
- 10 (27) The compact between the State of California and the  
11 Morongo Band of Mission Indians, executed on September 10,  
12 1999.
- 13 (28) The compact between the State of California and the  
14 Mooretown Rancheria Concow Maidu Tribe, executed on  
15 September 10, 1999.
- 16 (29) The compact between the State of California and the Pala  
17 Band of Mission Indians, executed on September 10, 1999.
- 18 (30) The compact between the State of California and the  
19 Paskenta Band of Nomlaki Indians, executed on September 10,  
20 1999.
- 21 (31) The compact between the State of California and the  
22 Pechanga Band of Luiseno Indians, executed on September 10,  
23 1999.
- 24 (32) The compact between the State of California and the  
25 Picayune Rancheria of Chukchansi Indians, executed on  
26 September 10, 1999.
- 27 (33) The compact between the State of California and the  
28 Quechan Nation, executed on September 10, 1999.
- 29 (34) The compact between the State of California and the  
30 Redding Rancheria, executed on September 10, 1999.
- 31 (35) The compact between the State of California and the  
32 Rincon, San Luiseno Band of Mission Indians, executed on  
33 September 10, 1999.
- 34 (36) The compact between the State of California and the  
35 Rumsey Band of Wintun Indians, executed on September 10,  
36 1999.
- 37 (37) The compact between the State of California and the  
38 Robinson Rancheria Band of Pomo Indians, executed on  
39 September 10, 1999.



- 1 (38) The compact between the State of California and the  
2 Rohnerville Rancheria, executed on September 10, 1999.
- 3 (39) The compact between the State of California and the San  
4 Manuel Band of Mission Indians, executed on September 10,  
5 1999.
- 6 (40) The compact between the State of California and the San  
7 Pasqual Band of Mission Indians, executed on September 10,  
8 1999.
- 9 (41) The compact between the State of California and the Santa  
10 Rosa Rancheria Tachi Tribe, executed on September 10, 1999.
- 11 (42) The compact between the State of California and the Santa  
12 Ynez Band of Chumash Indians, executed on September 10, 1999.
- 13 (43) The compact between the State of California and the  
14 Sherwood Valley Rancheria Band of Pomo Indians, executed on  
15 September 10, 1999.
- 16 (44) The compact between the State of California and the  
17 Shingle Springs Band of Miwok Indians, executed on September  
18 10, 1999.
- 19 (45) The compact between the State of California and the  
20 Smith River Rancheria, executed on September 10, 1999.
- 21 (46) The compact between the State of California and the  
22 Soboba Band of Mission Indians, executed on September 10,  
23 1999.
- 24 (47) The compact between the State of California and the  
25 Susanville Indian Rancheria, executed on September 10, 1999.
- 26 (48) The compact between the State of California and the  
27 Sycuan Band of Kumeyaay Indians, executed on September 10,  
28 1999.
- 29 (49) The compact between the State of California and the Table  
30 Mountain Rancheria, executed on September 10, 1999.
- 31 (50) The compact between the State of California and the  
32 Trinidad Rancheria, executed on September 10, 1999.
- 33 (51) The compact between the State of California and the Tule  
34 River Indian Tribe, executed on September 10, 1999.
- 35 (52) The compact between the State of California and the  
36 Tuolumne Band of Me-wuk Indians, executed on September 10,  
37 1999.
- 38 (53) The compact between the State of California and the  
39 Twenty Nine Palms Band of Mission Indians, executed on  
40 September 10, 1999.

1 (54) The compact between the State of California and the Tyme  
2 Maidu Tribe, Berry Creek Rancheria, executed on September 10,  
3 1999.

4 (55) The compact between the State of California and the  
5 United Auburn Indian Community, executed on September 10,  
6 1999.

7 (56) The compact between the State of California and the  
8 Viejas Band of Kumeyaay Indians, executed on September 10,  
9 1999.

10 (57) The compact between the State of California and the  
11 Coyote Valley Band of Pomo Indians, executed on September 10,  
12 1999.

13 (b) Any other tribal-state gaming compact entered into  
14 between the State of California and a federally recognized Indian  
15 tribe which is executed after September 10, 1999, is hereby ratified  
16 if both of the following are true:

17 (1) The compact is identical ~~is~~ in all material respects to any of  
18 the compacts expressly ratified pursuant to subdivision (a). A  
19 compact shall be deemed to be materially ~~identified~~ identical to  
20 a compact ratified pursuant to subdivision (a) if the Governor  
21 certifies it is materially identical at the time he or she submits it to  
22 the Legislature.

23 (2) The compact is not rejected by each house of the  
24 Legislature, two-thirds of the membership thereof concurring,  
25 within 30 days of the date of the submission of the compact to the  
26 Legislature by the Governor. However, if the 30-day period ends  
27 during a joint recess of the Legislature, the period shall be  
28 extended until the fifteenth day following the day on which the  
29 Legislature reconvenes.

30 (c) The Legislature acknowledges the right of federally  
31 recognized Indian tribes to exercise their sovereignty to negotiate  
32 and enter into tribal-state gaming compacts that are materially  
33 different from the compacts ratified pursuant to subdivision (a).  
34 These compacts shall be ratified by a statute approved by each  
35 house of the Legislature, a majority of the members thereof  
36 concurring, and signed by the Governor, unless the statute contains  
37 implementing or other provisions requiring a supermajority vote,  
38 in which case the statute shall be approved in the manner required  
39 by the Constitution.

(d) The Governor is the designated state officer responsible for negotiating and executing, on behalf of the state, tribal-state gaming compacts with federally recognized Indian tribes located within the State of California pursuant to the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.) for the purpose of authorizing class III gaming, as defined in that act, on Indian lands within this state. Nothing in this section shall be construed to deny the existence of the Governor's authority to have negotiated and executed tribal-state gaming compacts prior to the effective date of this section.

(e) Following completion of negotiations conducted pursuant to subdivision (b) or (c), the Governor shall submit a copy of any executed tribal-state compact to both houses of the Legislature for ratification, and shall submit a copy of the executed compact to the Secretary of State for purposes of subdivision (f).

(f) Upon receipt of a statute ratifying a tribal-state compact negotiated and executed pursuant to subdivision (c), or upon the expiration of the review period described in subdivision (b), the Secretary of State shall forward a copy of the executed compact and the ratifying statute, if applicable, to the Secretary of the Interior for his or her review and approval, in accordance with paragraph (8) of subsection (d) of Section 2710 of Title 25 of the United States Code.

(g) In deference to tribal sovereignty, neither the execution of a tribal-state gaming compact nor the on-reservation impacts of compliance with the terms of a tribal-state gaming compact shall be deemed to constitute a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

12721. There is hereby created in the State Treasury a special fund entitled the Indian Gaming Revenue Sharing Trust Fund for the receipt and deposit of moneys derived from gaming device license fees that are paid into the fund pursuant to the terms of tribal-state gaming compacts for the purpose of making distributions to noncompact tribes. Moneys in the fund are available to the California Gambling Control Commission, upon appropriation by the Legislature, for the purpose of making distributions to noncompact tribes, in accordance with distribution plans specified in tribal-state gaming compacts.

1 12722. There is hereby created in the State Treasury the  
2 Indian Gaming Special Distribution Fund for the receipt and  
3 deposit of moneys received by the state from Indian tribes pursuant  
4 to the terms of tribal-state gaming compacts. Moneys in the fund  
5 are available for appropriation by the Legislature for the following  
6 purposes:

7 (a) Grants, including any administrative costs, for programs  
8 designed to address gambling addiction.

9 (b) Grants, including any administrative costs, for the support  
10 of state and local government agencies impacted by tribal  
11 government gaming.

12 (c) Compensation for regulatory costs incurred by the  
13 California Gambling Control Commission and the Department of  
14 Justice in connection with the implementation and administration  
15 of tribal-state gaming compacts.

16 (d) Disbursements for the purpose of implementing the terms  
17 of tribal labor relations ordinances promulgated in accordance  
18 with the terms of tribal-state gaming compacts ratified pursuant to  
19 Chapter 874 of the Statutes of 1999. No more than 10 percent of  
20 the funds appropriated in the Budget Act of 2000 for  
21 implementation of tribal labor relations ordinances promulgated  
22 in accordance with those compacts shall be expended in the  
23 selection of the Tribal Labor Panel. The Department of Personnel  
24 Administration shall consult with and seek input from the parties  
25 prior to any expenditure for purposes of selecting the Tribal Labor  
26 Panel. Other than the cost of selecting the Tribal Labor Panel, there  
27 shall be no further disbursements until the Tribal Labor Panel,  
28 which is selected by mutual agreement of the parties, is in place.

29 (e) Any other purpose specified by law.

